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OLC 72-0598

11 May 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Representative Gilbert Gude's (R., Md.)
Staff on the [REDACTED] STATINTL

STATINTL 1. When I went to Representative Gilbert Gude's office this afternoon for a scheduled appointment to discuss the [REDACTED] case, I found the Congressman had been delayed as a result of meetings with various anti-war demonstrators who were on the Hill. After I waited in his office for some 40 minutes, Miss Barbara Bingley, of his staff, suggested we go to the Capitol and try to locate him there. Having no success, we returned to Gude's office in the Cannon Building where I offered to reschedule the appointment or discuss the case with Miss Bingley so she might in turn pass the information to Mr. Gude. Miss Bingley is Mr. Gude's caseworker and is familiar with the [REDACTED] case. She suggested the latter course.

STATINTL 2. I told Miss Bingley that on the basis of Mr. Gude's inquiry I had asked officials in the Agency to review the action taken in [REDACTED] case and, in fact, the case had been reviewed personally by the Chief of our Medical staff, the Director of Personnel, the Assistant Deputy Director for Support, and ultimately by our Executive Director as well as the Agency's Equal Employment Officer. I said the original decision in [REDACTED] case was reaffirmed by these officials. I mentioned that everyone in the Agency who had been involved in this case was most sympathetic to [REDACTED] situation and applauded his father's efforts on his behalf. However, there were a number of factors involved in the decision made not to employ [REDACTED] including several medical aspects of the case. I added that [REDACTED] father, [REDACTED] had consulted the Chief of our Medical staff and advised him of [REDACTED] medical history before he filed an employment application. Dr. Tietjen advised him as to the difficulty in considering such an application favorably. Nevertheless [REDACTED] filed the application. I said I understood he also had made application to a number

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of other sensitive security agencies mentioning that he was an epileptic and asking these agencies what their position was about hiring persons with a history of convulsive disorder. I added that certainly we did not quarrel with his right to do this in his own interest or in the interest of pursuing the rights of persons with convulsive disorders to employment in these agencies and elsewhere.

3. In discussing the Agency's policy with respect to standards on epilepsy, I drew on Dr. Tietjen's memorandum of 2 May 1972 and pointed out we are concerned about unanticipated periods of loss of consciousness. I said our experience over the years in cases we have approved has led us to the conclusion that convulsive disorders generally pose an undue risk both for the Agency and the individual. I said practically every position in the Agency required a high degree of security consciousness in the handling of classified material and the maintenance of proper physical security. I said we felt it was better to face this problem with a person at the applicant stage than to take a person on board and subsequently expose both them and the Agency to a bad situation later.

STATINTL

4. I pointed out that in [REDACTED] case there were many other applicants who were equally as well qualified as he for the position he was seeking and in these circumstances we quite naturally would take an applicant who did not have the problem. Miss Bingley asked what our position would be in a case where there were two applicants for a position and the better qualified applicant also had a history of a convulsive disorder. I said cases like this have to be handled on an individual basis but I was sure that in such an instance the office concerned and our medical staff would have to get together and decide whether the applicant's superior qualifications offset the limitations caused by his condition. In this connection I made it clear that the Agency would not separate an employee who developed a disorder of this sort. In such circumstance we would make every effort to accommodate his situation, but this type of consideration, i.e., use of what I referred to as a "buddy system," would not be practical as a general employment practice.

STATINTL

5. In talking with Miss Bingley I pointed out that [REDACTED] had advised us of [REDACTED] contact with Mr. Gude and expressed concern that this might possibly have some adverse effect on his employment relationship with the Agency. Miss Bingley said [REDACTED] had also expressed this concern to them. I assured her I told [REDACTED] this Agency had no objection to his son's contact with his congressman on his case and there was no reason

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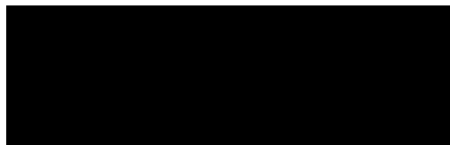
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for him to be concerned about his own situation here. Miss Bingley said she would convey the thrust of our conversation to Mr. Gude and said it was quite possible he might want to talk with me personally or by telephone. I told her I would be happy to get together with the Congressman whenever it was convenient for him.

STATINTL



Deputy Legislative Counsel

Distribution:

Original - Subject

- 1 - [REDACTED] STATINTL
- 1 - Mr. Wattles
- 1 - Mr. Fisher
- 1 - Dr. Tietjen

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